

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EDGAR ZAVALA,) CASE NO. SA CV 12-1002-DSF (PJW)
Petitioner,)
v.) ORDER ACCEPTING FINAL REPORT AND
RALPH DIAZ, WARDEN,) RECOMMENDATION OF UNITED STATES
Respondent.) MAGISTRATE JUDGE AND DENYING
CERTIFICATE OF APPEALABILITY
)

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the Petition, records on file, and the Final Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a *de novo* review of those portions of the Report to which Petitioner has objected. The Court accepts the findings and recommendation of the Magistrate Judge.

Further, for the reasons stated in the Final Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right or that the court erred in its procedural ruling and, therefore, a certificate of appealability is denied. See 28 U.S.C. § 2253(c)(2); Fed. R. App.

1 P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v.*
2 *McDaniel*, 529 U.S. 473, 484 (2000).

3 2/5/13

4 DATED: _____.

5 *Dale S. Fischer*

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7 DALE S. FISCHER
8 UNITED STATES DISTRICT JUDGE

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